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MAY 23 1998

May 28, 1998

**BY HAND DELIVERY**

Magalie Roman Salas, Esquire  
Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, DC 20554

Re: MM Docket No. 87-268  
Advanced Television Systems and Their Impact  
Upon the Existing Television Broadcast Service

Dear Ms. Salas:

Transmitted herewith on behalf of Oregon Family Broadcasting Association are an original and 11 copies of its "Reply to Partial Opposition of Oregon Television, Inc.," which is being filed in connection with the Commission's *Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order* in MM Docket No. 87-268, FCC 98-24 (released February 23, 1998), in the above-referenced proceeding.

Should any questions arise concerning this matter, please communicate directly with this office.

Very truly yours,



Andrew S. Kersting  
Counsel for Oregon  
Family Broadcasting Association

Enclosures

cc (w/ encl.): Certificate of Service (by hand & first-class mail)

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BEFORE THE

**Federal Communications Commission**

WASHINGTON, D.C. 20554

MAY 24 1998

In the Matter of )  
 )  
Advanced Television Systems )  
and Their Impact Upon the Existing ) MM Docket No. 87-268  
Television Broadcast Service )

To: The Commission

**REPLY TO**  
**PARTIAL OPPOSITION OF OREGON TELEVISION, INC.**

Oregon Family Broadcasting Association ("Family"), by its counsel, and pursuant to Section 1.429 of the Commission's rules, hereby replies to the "Partial Opposition of Oregon Television, Inc.," filed May 4, 1998 ("Partial Opposition"), in the above-captioned proceeding. In support of this reply, the following is stated:<sup>1</sup>

On April 20, 1998, Family filed a Petition for Reconsideration ("Petition") of the Commission's *Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order*, FCC 98-24 (released February 30, 1998) ("MO&O"), in this proceeding requesting that the Commission substitute DTV Channel 50 for DTV Channel 30 at Portland, Oregon, or, alternatively,

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<sup>1</sup> Family filed a Petition for Reconsideration in this proceeding on April 20, 1998. The filing of Family's reconsideration petition was reflected on an FCC *Public Notice*, Report No. 2273 (released May 4, 1998). The *Public Notice* stated that oppositions to the listed petitions were to be filed within 15 days of the date the *Public Notice* appeared in the Federal Register, and that replies to an opposition would be due "within 10 days after the time for filing oppositions has expired." *Id.*; see also 47 CFR §1.429(f), (g). The above-referenced *Public Notice* was published in the Federal Register on Monday, May 11, 1998. See 63 Fed.Reg. 25862 (May 11, 1998). Accordingly, the deadline for filing an opposition to Family's reconsideration petition was May 26, 1998, and the deadline for filing a reply pleading is June 5, 1998. Therefore, this reply is timely filed.

permit Family to amend its pending noncommercial NTSC application to specify operation on Channel 58 in lieu of Channel 30. In its Partial Opposition, Oregon Television, Inc. ("OTI"), claims that Family did not provide an "adequate justification" for changing the DTV allotment for Station KPTV(TV), Portland,<sup>2</sup> and that the Commission should deny Family's Petition to the extent it seeks reconsideration of the allotment of DTV Channel 30 at Portland. Partial Opposition, p. 2. With respect to Family's alternative proposal of permitting it to amend its pending application to specify operation on NTSC Channel 58, OTI stated:

. . . OTI interposes no objection so long as any grant of such an amended Family application is conditioned on the requirement that Family's station not cause any interference to any NTSC or DTV station, and that Channel 58 be reserved for non-commercial use only.

Partial Opposition, p. 2. Therefore, because OTI has consented to Family's alternative proposal so long as it does not cause interference to any other station, and the Commission has stated throughout this proceeding that it intends to give broadcasters the flexibility to develop alternative allotment plans where they do not result in additional interference to other stations and/or allotments, Family requests that it be permitted to amend its pending noncommercial NTSC application to specify operation on Channel 58. As stated in Family's Petition (page 4), permitting Family to amend its application to operate on the available alternative channel would effectuate the Commission's pronouncements in its *Sixth Further Notice*<sup>3</sup> and *Sixth Report and Order*<sup>4</sup> that it would protect those pending NTSC applications that were on file as of September 20, 1996. Family's alternative

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<sup>2</sup> OTI is the licensee of Station KPTV.

<sup>3</sup> *Sixth Further Notice of Proposed Rulemaking*, 11 FCC Rcd 10968 (1996).

<sup>4</sup> *Sixth Report and Order*, 12 FCC Rcd 14588, 14635 (1997).

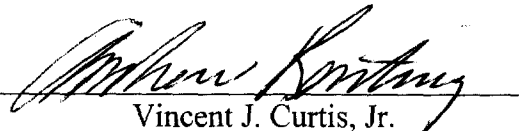
proposal also would serve an important public interest of providing a second noncommercial educational television service to the community of Portland.

WHEREFORE, in light of the foregoing, Oregon Family Broadcasting Association respectfully requests that the Commission GRANT reconsideration of its *MO&O* by substituting DTV Channel 50 for Channel 30 at Portland, Oregon, or, alternatively, permit Family to amend its pending noncommercial NTSC application to specify operation on Channel 58 at Portland.

Respectfully submitted,

OREGON FAMILY  
BROADCASTING ASSOCIATION

By:



Vincent J. Curtis, Jr.

Andrew S. Kersting

Its Counsel

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May 28, 1998

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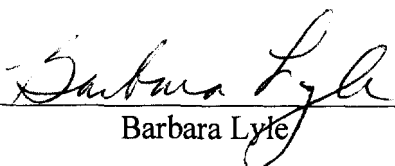
**CERTIFICATE OF SERVICE**

I, Barbara Lyle, a secretary in the law firm of Fletcher, Heald & Hildreth, P.L.C., hereby certify that on this 28th day of May, copies of the foregoing "Reply to Partial Opposition of Oregon Television, Inc." were hand delivered or mailed first-class, postage pre-paid, to the following:

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